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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
077/19,843	06/24/91	JOHNSON	

DURR, D.	EXAMINER
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KOLISCH, HARTWELL, DICKINSON, MCCORMACK  
& HEUSER  
201 PACIFIC BUILDING  
520 S.W. VASHILL ST.  
PORTLAND, OR 97204

ART UNIT	PAPER NUMBER
2506	2

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 1425 month(s), 00 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.       |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1-4 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.O. 11; 453 O.G. 213.

14. ☐ Other

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EXAMINER'S ACTION

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On line 1, the word "adapted" is considered to vague and indefinite. A suggested phrase is --comprising means--. Further, the word "carryable" is vague and indefinite since it is an intended use being recited in an apparatus claim and therefor carries no patentable weight. Such phrases as --as comprising means-- would be an adequate substitution. "Said two data-acquisition apparatuses" lacks antecedent basis. Replacing the "said" before two with --the-- would be satisfactory to the examiner. Correction is required.

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is rejected due to its dependence upon rejected claim 1 and further because viewed in quotation marks is deemed to be vague. The purpose of the quotation marks escapes the examiner. Correction is required.

Claims 1 and 3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "and the like" is considered to be vague and indefinite.

Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is rejected due to its dependence upon rejected claim 3 and further because viewed in quotation marks is deemed to be vague. The purpose of the quotation marks escapes the examiner. Correction is required.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be

negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-4 are rejected under 35 U.S.C. § 103 as being unpatentable over *Barker US 1,959,702* in view of the ordinary skill in the art. *Barker* teaches using a plurality of towers, each having a forest fire detection cell adhered to it, wherein said cell is a radiant energy detector set to be sensitive for heat and light conditions. Further, a means to determine the position of a detected fire would be relayed from the detector and tower to a means that will plot the location with respect to the topography of the area (page 3 col A lines 29-63). It would have been obvious to an artisan to modify the forest fire detection method and apparatus taught by *Barker* so as to provide a means to process graphically the position of the fire so that this graph can be used as an overlay on a related topographic map. It further would have been obvious and well within the skill of the art to provide a means to measure the anomalies of the isotherms throughout the fire area and plot the graph accordingly (i.e. different colors represent different temperatures). Furthermore, it would have been obvious to an artisan to use a plurality of channels on the data recording apparatuses so as to measure different data from the fire. By having each capable of recording time-synchronous data, an accurate determination of the fire can be made. Having a means for connecting the data-acquisition apparatus with a data - recording apparatus, wherein said means for connecting includes a switching means for switching between channels, would have been obvious since one may want to evaluate all of the data acquired at a latter period of time. Plotting the graph in proportion to the area and topographic map as well as providing a means to drive a standard X-Y plotter is well known in the art and is not deemed to be novel in the way of mapping. Recording an optical depiction of the fire and visually presenting an overlay, for the topographic map, of time-related thermal and optical

Serial No. 07/719,843  
Art Unit 2506

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-4-

imagery would have been obvious to an artisan in order to keep track of the fire and how the fire is changing and is well known in the computer data acquisition and processing art.

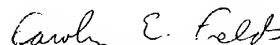
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Brown de Colstoun et al* has three patents (US 4,567,367; US 4,893,026; US 5,049,756) all drawn to methods and apparatus for determining the presence and positions of forest fires.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Drew A. Dunn whose telephone number is (703) 308-4865.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DAD  
24 February 1992

  
CAROLYN E. FIELDS  
EXAMINER  
ART UNIT 256